



February 9, 1999

HOUSE BILL No. 1019

DIGEST OF HB 1019 (Updated February 3, 1999 3:45 pm - DI 98)

Citations Affected: IC 12-7; IC 12-17.2; IC 12-17.4; noncode.

Synopsis: Therapeutic and special needs foster care. Provides that a therapeutic foster family home is a foster family home: (1) that provides care to a seriously emotionally disturbed or developmentally disabled child; (2) in which a child receives treatment in a family home that is supervised by certain qualified program staff; and (3) that meets all of the requirements for licensing of a foster family home and certain supplementary requirements, including additional training for therapeutic foster parents. Prohibits a therapeutic foster parent from providing care to more than two foster children, not including children for whom the therapeutic foster parent is a parent, stepparent, guardian, custodian, or other relative. Allows the division of family and children to permit a therapeutic foster family home to provide care for more than two foster children whenever the placement of siblings in the same therapeutic foster family home is desirable or in the best interests (Continued next page)

Effective: July 1, 1999.

Budak, Smith V, Dickinson

January 6, 1999, read first time and referred to Committee on Human Affairs.
February 8, 1999, amended, reported — Do Pass.

HB 1019—LS 6056/DI 76+



C
o
p
y

of the foster children residing in the home. Provides that a special needs foster family home is a foster family home that provides care for a child who has a mental, physical, or emotional handicap and who will require additional supervision or assistance in behavior management, activities of daily living, or management of medical problems. Prohibits a special needs foster parent from providing care to more than eight children (including the foster family's children), and requires that not more than four of the children may be less than six years of age. Provides that the division of family and children may grant an exception to the maximum number of children who may be cared for in a special needs foster home whenever the division of family and children determines that the placement of siblings in the same special needs foster home is desirable. Requires the division of family and children to consider the specific needs of each special needs foster child whenever the division of family and children determines the appropriate number of children to place in the special needs foster home. Prohibits the division of family and children from removing a special needs foster child or a therapeutic foster child from a foster family home in which the child is placed before July 1, 1999, due to the home's failure to meet the new licensing requirements unless the division determines that remaining in the home is not in the child's best interest. Reestablishes the board for the coordination of child care regulation, which expired November 1, 1997, for a period beginning July 1, 1999, and ending July 1, 2001. Requires the board for the coordination of child care regulation to study laws governing the regulation of child care and to make recommendations to the general assembly concerning changes in the law that the board for the coordination of child care regulation finds appropriate. (The introduced version of this bill was prepared by the interim study committee on family law issues.)

C
o
p
y



February 9, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1019

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-7-2-180.2 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 1999]: **Sec. 180.2. "Special needs foster**
4 **family home"**, for purposes of IC 12-17.4, means a foster family
5 home:

6 (1) that provides care for a child who:
7 (A) has a mental, physical, or emotional disability; and
8 (B) will require additional supervision or assistance in
9 behavior management, activities of daily living, or
10 management of medical problems; and
11 (2) that meets the additional requirements under
12 IC 12-17.4-4-1.7.

13 SECTION 2. IC 12-7-2-190.8 IS ADDED TO THE INDIANA
14 CODE AS A NEW SECTION TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 1999]: **Sec. 190.8. "Therapeutic foster family**

HB 1019—LS 6056/DI 76+



home", for purposes of IC 12-17.4, means a foster family home:

(1) that provides care to a seriously emotionally disturbed or developmentally disabled child;

(2) in which the child receives treatment in a family home through an integrated array of services supervised and supported by qualified program staff from:

(A) the office of the secretary of family and social services;

(B) a managed care provider that contracts with the division of mental health; or

(C) a licensed child placing agency; and

(3) that meets the additional requirements under IC 12-17.4-4-1.5.

SECTION 3. IC 12-17.2-3.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

Chapter 3.1. Board for the Coordination of Child Care Regulation

Sec. 1. (a) The board for the coordination of child care regulation is established. The board consists of the following members:

(1) One (1) employee of the division to be designated by the director of the division.

(2) One (1) employee of the state department of health to be designated by the commissioner of the state department of health.

(3) The state fire marshal or the state fire marshal's designee.

(4) Ten (10) members, not more than five (5) of whom may be from the same political party, to be appointed as follows:

(A) One (1) member with child development experience to represent the public.

(B) One (1) member to represent operators of foster family homes.

(C) Two (2) members to represent operators of child care homes.

(D) One (1) member to represent operators of child caring institutions.

(E) One (1) member to represent operators of group homes and child placing agencies.

(F) One (1) member who is knowledgeable about the delivery of child care services to children and who is not an owner or operator of a facility, a ministry, or an agency that is licensed or registered under this chapter.



- 1 (G) Two (2) members to represent operators of child care
 2 centers.
 3 (H) One (1) member to represent child care ministries.
 4 (5) Two (2) members of the house of representatives, not more
 5 than one (1) of whom is a member of the same political party,
 6 to be appointed by and serve at the pleasure of the speaker of
 7 the house of representatives.
 8 (6) Two (2) members of the senate, not more than one (1) of
 9 whom is a member of the same political party, to be appointed
 10 by and serve at the pleasure of the president pro tempore of
 11 the senate.
 12 (b) The president pro tempore of the senate shall appoint the
 13 board members listed under subsection (a)(4)(A), (a)(4)(B), and
 14 (a)(4)(D), and one (1) member each under subsection (a)(4)(C) and
 15 (a)(4)(G). The speaker of the house of representatives shall appoint
 16 the board members listed under subsection (a)(4)(E), (a)(4)(F), and
 17 (a)(4)(H), and one (1) member each under subsection (a)(4)(C) and
 18 (a)(4)(G). At least one (1) of the members appointed under this
 19 section must have knowledge or expertise, or both, in the area of
 20 children with special needs.
 21 (c) The legislative council shall appoint the chairperson of the
 22 board from among the board members.
 23 Sec. 2. The terms of the members expire November 1, 2001.
 24 Sec. 3. The board shall elect necessary officers from among the
 25 board's members.
 26 Sec. 4. The board shall meet upon the call of the chairperson.
 27 Sec. 5. A majority of the members must be present for the
 28 transaction of business.
 29 Sec. 6. The affirmative votes of a majority of the members of the
 30 board are required for the board to take action on any measure,
 31 including final reports.
 32 Sec. 7. The board may appoint subcommittees of the board's
 33 members to receive public testimony, visit facilities, and make
 34 recommendations to the full committee.
 35 Sec. 8. The legislative services agency shall provide the
 36 personnel necessary to staff the board.
 37 Sec. 9. Each member of the board who is not a member of the
 38 general assembly is entitled to reimbursement for traveling and
 39 other expenses actually incurred in connection with the member's
 40 duties, as provided in the state travel policies and procedures
 41 established by the Indiana department of administration and
 42 approved by the budget agency. Each member who is not a state



employee is entitled to the minimum salary per diem as provided in IC 4-10-11-2.1(b).

Sec. 10. Each member of the board who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council. Payments made to a member of the general assembly under this section shall be paid from funds appropriated to the legislative council and the legislative services agency for this purpose.

Sec. 11. The board shall study the laws governing the regulation of child care and make recommendations to the general assembly concerning changes in the law the board finds are appropriate. Before November 1 of each year, the board shall submit a written report to the legislative council that identifies the board's recommendations and discusses the status of the board's continuing program of study. The board's program of study under this section must include a study of the following topics:

- (1) The need for changes in the scope and degree of child care regulation established by statute or rule, or both.
- (2) The need to reorganize governmental units involved in the regulation of child care facilities to promote effective and efficient child care regulation, including the form that a needed reorganization should take.
- (3) A method for the completion of a statewide needs assessment to determine the availability and projected need for safe and affordable child care.
- (4) The need for programs to meet the needs of Indiana residents if the board determines that safe and affordable child care facilities are not available and easily accessible to Indiana residents.
- (5) The effect of pending and enacted federal legislation on child care in Indiana and the need for statutory changes to qualify for federal child care grants and to comply with federal child care requirements.

Sec. 12. This chapter expires November 1, 2001.

SECTION 4. IC 12-17.4-4-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1.5. (a) A person may not operate a therapeutic foster family home without a license issued under this article.

(b) The state or a political subdivision of the state may not



1 operate a therapeutic foster family home without a license issued
2 under this article.

3 (c) The division may only issue a license for a therapeutic foster
4 family home that meets:

5 (1) all of the licensing requirements of a foster family home;
6 and

7 (2) the additional requirements described in this section.

8 (d) An applicant for a therapeutic foster family home license
9 must do the following:

10 (1) Be licensed as a foster parent under 470 IAC 3-1-1 et seq.

11 (2) Participate in thirty (30) hours of pre-service training that
12 includes:

13 (A) twenty (20) hours of pre-service training to be licensed
14 as a foster parent under 470 IAC 3-1-1 et seq.; and

15 (B) ten (10) hours of additional pre-service training in
16 therapeutic foster care.

17 (e) A person who is issued a license to operate a therapeutic
18 foster family home shall, within one (1) year after meeting the
19 training requirements of subsection (d)(2) and annually thereafter,
20 participate in twenty (20) hours of training that includes:

21 (1) ten (10) hours of training as required in order to be
22 licensed as a foster parent under 470 IAC 3-1-1 et seq.; and

23 (2) ten (10) hours of additional training in order to be licensed
24 as a therapeutic foster parent under this chapter.

25 (f) An operator of a therapeutic foster family home may not
26 provide supervision and care in a therapeutic foster family home
27 to more than two (2) foster children at the same time, not including
28 the children for whom the applicant or operator is a parent,
29 stepparent, guardian, custodian, or other relative. The division
30 may grant an exception to this subsection whenever the placement
31 of siblings in the same therapeutic foster family home is desirable
32 or in the best interests of the foster children residing in the home.

33 SECTION 5. IC 12-17.4-4-1.7 IS ADDED TO THE INDIANA
34 CODE AS A NEW SECTION TO READ AS FOLLOWS
35 [EFFECTIVE JULY 1, 1999]: Sec. 1.7. (a) A person may not operate
36 a special needs foster family home without a license issued under
37 this article.

38 (b) The state or a political subdivision of the state may not
39 operate a special needs foster family home without a license issued
40 under this article.

41 (c) The division may only issue a license for a special needs
42 foster family home that meets:



(1) all of the licensing requirements of a foster family home;
and

(2) the additional requirements described in this section.

(d) An applicant for a special needs foster family home license must be licensed as a foster parent under 470 IAC 3-1-1 et seq. that includes participating in twenty (20) hours of pre-service training.

(e) A person who is issued a license to operate a special needs foster family home shall, within one (1) year after meeting the training requirements of subsection (d) and annually thereafter, participate in twenty (20) hours of training that includes:

(1) ten (10) hours of training as required in order to be licensed as a foster parent under 470 IAC 3-1-1 et seq.; and

(2) ten (10) hours of additional training that includes specialized training to meet the child's specific needs.

(f) An operator of a special needs foster family home may not provide supervision and care as a special needs foster family home if more than:

(1) eight (8) individuals, each of whom either:

(A) is less than eighteen (18) years of age; or

(B) is at least eighteen (18) years of age and is receiving care and supervision under an order of a juvenile court; or

(2) four (4) individuals less than six (6) years of age;

including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative, receive care and supervision in the home at the same time. Not more than four (4) of the eight (8) individuals described in subdivision (1) may be less than six (6) years of age. The division may grant an exception to this section whenever the division determines that the placement of siblings in the same special needs foster home is desirable.

(g) The division shall consider the specific needs of each special needs foster child whenever the division determines the appropriate number of children to place in the special needs foster home under subsection (f). The division may require a special needs foster family home to provide care and supervision to less than the maximum number of children allowed under subsection (f) upon consideration of the specific needs of a special needs foster child.

SECTION 6. [EFFECTIVE JULY 1, 1999] (a) As used in this SECTION, "division" refers to the division of family and children established by IC 12-13-1-1.

(b) As used in this SECTION, "special needs foster child" means a child who:



1 (1) is placed in a foster family home by the division of family
2 and children;

3 (2) has a mental, a physical, or an emotional disability; and

4 (3) will require additional supervision or assistance in
5 behavior management, activities of daily living, or
6 management of medical problems.

7 (c) As used in this SECTION, "therapeutic foster child" means
8 a child who:

9 (1) is placed in a foster family home by the division of family
10 and children;

11 (2) is seriously emotionally disturbed or developmentally
12 disabled; and

13 (3) receives treatment in a foster family home through an
14 integrated array of services supervised and supported by
15 qualified program staff from:

16 (A) the office of the secretary of family and social services;

17 (B) a managed care provider that contracts with the
18 division of mental health; or

19 (C) a licensed child placing agency.

20 (d) Except as provided in subsection (e), the division may not
21 remove a special needs foster child or a therapeutic foster child
22 from a foster family home in which the child is placed before July
23 1, 1999, because the foster family home does not meet the
24 requirements for operating a:

25 (1) therapeutic foster family home under IC 12-17.4-4-1.5, as
26 added by this act; or

27 (2) special needs foster family home under IC 12-17.4-4-1.7,
28 as added by this act.

29 (e) The division may remove a special needs foster child or a
30 therapeutic foster child from a foster family home in which the
31 child is placed before July 1, 1999, because the foster family home
32 does not meet the requirements described in subsection (d)(1) or
33 (d)(2) if the division determines that remaining in the foster family
34 home is not in the child's best interest.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1019, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 28 and 29, begin a new paragraph and insert:

"Sec. 6. The affirmative votes of a majority of the members of the board are required for the board to take action on any measure, including final reports."

Page 3, line 29, delete "6" and insert "7".

Page 3, line 32, delete "7" and insert "8".

Page 3, line 34, delete "8" and insert "9".

Page 3, line 42, delete "9" and insert "10".

Page 4, line 8, delete "10" and insert "11".

Page 4, line 33, delete "11" and insert "12".

Page 5, line 14, delete "(3) Participate", begin a new paragraph and insert:

"(e) A person who is issued a license to operate a therapeutic foster family home shall, within one (1) year after meeting the training requirements of subsection (d)(2) and annually thereafter, participate"

Page 5, line 14, delete "each".

Page 5, line 15, delete "subsequent licensing year".

Page 5, line 16, delete "(A)", begin a new line block indented and insert:

"(1)".

Page 5, line 18, delete "(B)", begin a new line block indented and insert:

"(2)".

Page 5, line 20, delete "(e)" and insert "(f)".

Page 5, line 42, delete ":".

Page 5, run in line 42 through page 6, line 1.

Page 6, line 1, delete "(1)".

Page 6, line 3, delete "; and" and insert ".".

Page 6, line 4, delete "(2)", begin a new paragraph and insert:

"(e) A person who is issued a license to operate a special needs foster family home shall, within one (1) year after meeting the training requirements of subsection (d) and annually thereafter,"

Page 6, line 4, delete "each".

Page 6, line 5, delete "subsequent licensing year".

Page 6, line 6, delete "(A)", begin a new line block indented and insert:

HB 1019—LS 6056/DI 76+



C
O
P
Y

"(1)".

Page 6, line 8, delete "(B)", begin a new line block indented and insert:

"(2)".

Page 6, line 10, delete "(e)" and insert **"(f)".**

Page 6, line 25, delete "(f)" and insert **"(g)".**

Page 6, line 28, delete "(e)" and insert **"(f)".**

Page 6, line 31, delete "(e)" and insert **"(f)".**

Page 6, after line 32, begin a new paragraph and insert:

"SECTION 6. [EFFECTIVE JULY 1, 1999] (a) As used in this SECTION, "division" refers to the division of family and children established by IC 12-13-1-1.

(b) As used in this SECTION, "special needs foster child" means a child who:

- (1) is placed in a foster family home by the division of family and children;**
- (2) has a mental, a physical, or an emotional disability; and**
- (3) will require additional supervision or assistance in behavior management, activities of daily living, or management of medical problems.**

(c) As used in this SECTION, "therapeutic foster child" means a child who:

- (1) is placed in a foster family home by the division of family and children;**
- (2) is seriously emotionally disturbed or developmentally disabled; and**
- (3) receives treatment in a foster family home through an integrated array of services supervised and supported by qualified program staff from:**

- (A) the office of the secretary of family and social services;**
- (B) a managed care provider that contracts with the division of mental health; or**
- (C) a licensed child placing agency.**

(d) Except as provided in subsection (e), the division may not remove a special needs foster child or a therapeutic foster child from a foster family home in which the child is placed before July 1, 1999, because the foster family home does not meet the requirements for operating a:

- (1) therapeutic foster family home under IC 12-17.4-4-1.5, as added by this act; or**
- (2) special needs foster family home under IC 12-17.4-4-1.7, as added by this act.**



(e) The division may remove a special needs foster child or a therapeutic foster child from a foster family home in which the child is placed before July 1, 1999, because the foster family home does not meet the requirements described in subsection (d)(1) or (d)(2) if the division determines that remaining in the foster family home is not in the child's best interest."

and when so amended that said bill do pass.

(Reference is to HB 1019 as introduced.)

SUMMERS, Chair

Committee Vote: yeas 8, nays 3.

C
o
p
y

